

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

CODE OF VIRGINIA**§ 45.1-361.26****VIRGINIA:****BEFORE THE GAS AND OIL BOARD****APPLICANTS:**

CNX Gas Company LLC on behalf of Hurt
McGuire Land Trust and certain Linkous Horn
Heirs in Tract 3 (6 parts) and in Tract 3C (10
parts) in Unit S-36

DOCKET NO.**98-0324-0626-08****RELIEF SOUGHT:**

Issuance: A Supplemental Order for Disbursement of Escrowed Funds
Action: Amending Prior Orders Affecting Drilling S-36,
a portion of Tract 3 and Tract 3C,
(Referenced herein as "the Subject Drilling Unit")

Location: Buchanan County, Virginia

Action Details:

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit S-36 by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling

REPORT OF THE BOARD**FINDINGS AND ORDER**

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on April 26, 2011 at the Russell County Government Complex, Conference Center at 139 Highland Drive, Lebanon, VA. Finding errors in the title breakout and heirship calculations, this matter came before the Virginia Gas and Oil Board at 9:00 a.m. on June 14, 2011 for corrected testimony and exhibits.
2. **Appearances:** Mark A. Swartz, Esq. SWARTS Law Offices PLLC appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract sub accounts. The Board finds that: (1) while it does not have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it does not have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, the Board does have jurisdiction and authority to disburse funds from the Escrow Account provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1. (a) On March 24, 1998 the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on May 14, 1998, Instrument Number 980001158. The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk on June 15, 1998, Instrument Number 980002431.
- 4.1.1 The Board executed its Supplemental Order -01 regarding a Modification of the Pooling Order and making additions and corrections from the unit operator; filed with the Clerk on May 3, 2000, Instrument Number 000001322.
- 4.1.2 The Board executed its Supplemental Order -02 regarding a Modification of the Pooling Order and making additions and corrections from the unit operator; filed with the Clerk on January 31, 2000, Instrument Number 000000242. The Board executed a Supplemental Order Regarding Elections to the pooling modifications in September, filed with the Clerk on May 3, 2000, Instrument Number 000001325. (Hereafter all orders are collectively referred to as the "Pooling Orders").
- 4.1.3 On January 20, 2004, the Board executed its order pooling (re-pooling) interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on April 2, 2004, Instrument Number 040001009 (hereafter all orders are collectively referred to as the "Pooling Orders").
- 4.1.4 On May 16, 2006, the Board executed its disbursement order VGOB 98-0324-0625-04 in the Subject Drilling Unit for certain parties of the Thomas Stilwell Heirs and the Albert Ball Heirs under a split agreement with Hurt McGuire Land Trust. The Disbursement Order and exhibits were filed with the Clerk of the Circuit Court of Buchanan County on September 26, 2006, Instrument Number 060003145.
- 4.1.5 On April 21, 2009, the Board executed its disbursement order VGOB 98-0324-0625-05 in the Subject Drilling Unit for certain parties (4) of the Linkous Horn Heirs and (6) of the Thomas Stilwell Heirs under a split agreement with Hurt McGuire Land Trust. The Disbursement Order and exhibits were filed with the Clerk of the Circuit Court of Buchanan County on August 4, 2009, Instrument 090002347. Subsequently, an additional order for the -05 Disbursement was recorded superseding the August 4, 2009 recordation with corrections in the disbursement percentages and payments.
- 4.1.6 On March 12, 2010, the Board executed its disbursement order VGOB 98-0324-0625-06 in the Subject Drilling Unit for four (4) parties of the Linkous Horn Heirs and Theodore Stilwell of the Thomas Stilwell Heirs under a split agreement with Hurt McGuire Land Trust. The Disbursement Order and exhibits were filed with the Clerk of the Circuit Court of Buchanan County on June 10, 2010, Instrument 100001525.
- 4.1.7 On September 21, 2010 the Board approved and on November 3, 2010 executed its disbursement order VGOB 98-0324-0626-07 in the Subject Drilling Unit for four (2) parties of the Linkous Horn Heirs; Sylvia A Shelton Byrd and Curtis Stilwell and under a split agreement with Hurt McGuire Land Trust (50% / 50%). The Disbursement Order and exhibits were filed with the Clerk of the Circuit Court of Buchanan County on November 17, 2010, Instrument 100003092. Subsequent to the recordation, it was discovered, certain supporting exhibits were incorrect in the recordation. The disbursement order is in the process of being re-recorded.
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Hurt McGuire Land Trust; and the gas ownership interests of Linkous Horn Heirs Margaret Dye (Larry Horn Heir), Nellie Maynard (Larry Horn Heir), Tammy Boyd Street (Larry Horn

Heir), Nellie Maynard (interest inherited from Henry Horn not previously paid), Tammy Boyd Street, and Margaret Dye in Tract 3; plus Margaret Dye (Larry Horn Heir), Nellie Maynard (Larry Horn Heir), Tammy Boyd Street (Larry Horn Heir), Patricia Horton, Danny Elder, Robert Elder, Joseph P. Horne, Nancy Ann Stilwell, Martha Smith, and Sarah Day in Tract 3C in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.

- 4.3 The Unit Operator's Miscellaneous Petition regarding a portion of Tract 3 and Tract 3C, a copy of which is attached to and made a part hereof, states under oath that Hurt McGuire Land Trust and the Applicants have entered into a royalty split agreements (50% / 50%) and by the terms of the agreements regarding these tracts escrowing regarding these individual conflicting claims is no longer required for these parties.
- 4.4 The Unit Operator gave notice to Hurt McGuire Land Trust and the applicants that the Board would consider its disbursement authorization at its hearing on April 26, 2011 and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to a portion of tracts 3 and 3C identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tract 3 and Tract 3C the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because there are other parties under this order subject to continued payments in the escrow.
- 4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

5.2 Applicant has certified and represented to the Board that:

- (1) Hurt McGuire Land Trust and interests of Linkous Horn Heirs; Margaret Dye, Nellie Maynard, Tammy Boyd Street in Tract 3 plus Hurt McGuire Land Trust and interests of Margaret Dye, Nellie Maynard, Tammy Boyd Street, Patricia Horton, Danny Elder, Robert Elder, Joseph P. Horne, Nancy Ann Stilwell, Martha Smith, and Sarah Day in Tract 3C are the owners of the coal and gas acreage estate underlying the Subject Drilling Unit S-36;
- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

Table 1
A portion of Tract 3 and 3C

Item	Tract	Disbursement Table	Fractional Ownership in Tract	Net Acreage Ownership in Tract	Royalty Split Agreement	Escrowed Acres Disbursed	Percent of Escrowed Funds Disbursed
		Total acres in escrow before disbursement				24.3396	
	3	Tract 3 (total acres)	27.44				
	3	Larkspur Horn Horn - O & G					
1	3	Margaret Doe (Larkspur Horn Horn) / 784 Big Creek Road / Richlands, VA 24641	1/600	0.0457	50.0%	0.0229	0.0939%
2	3	Nellie Maynard (Larkspur Horn Horn) / P.O. Box 296 / Raven, VA 24639	1/600	0.0457	50.0%	0.0229	0.0939%
3	3	Tammie Boyd Street (Larkspur Horn Horn) / 193 Taylor Circle / Raven, VA 24639	1/600	0.0457	50.0%	0.0229	0.0939%
4	3	Nellie Maynard (interest inherited from Larkspur Horn not previously paid) / P.O. Box 296 / Raven, VA 24639	1/75	0.3659	50.0%	0.1829	0.7516%
5	3	Tammie Boyd Street / 193 Taylor Circle / Raven, VA 24639	17/900	0.5183	50.0%	0.2592	1.0647%
6	3	Margaret Doe / 784 Big Creek Road / Richlands, VA 24641	17/900	0.5183	50.0%	0.2592	1.0647%
7	3	Hart McGee Land Trust - Coal - c/o Charlie Green, PO Box 1067, Bluefield VA 24605	combined	1.5397	50.0%	0.7698	3.1629%
	3C	Tract 3C (total acres)	7.61				
	3C	Larkspur Horn Horn - O & G (Title Conflict Resolved)					
1	3C	Margaret Doe (Larkspur Horn Horn) / 784 Big Creek Road / Richlands, VA 24641	37/1800	0.1564	50.0%	0.0782	0.3213%
2	3C	Nellie Maynard (Larkspur Horn Horn) / P.O. Box 296 / Raven, VA 24639	37/1800	0.1564	50.0%	0.0782	0.3213%
3	3C	Tammie Boyd Street (Larkspur Horn Horn) / 193 Taylor Circle / Raven, VA 24639	37/1800	0.1564	50.0%	0.0782	0.3213%
4	3C	Patricia Horton / 200 Birch Street / Raven, VA 24639	1/180	0.0423	50.0%	0.0211	0.0868%
5	3C	Dawn Elmer / P.O. Box 248 / Raven, VA 24639	1/180	0.0423	50.0%	0.0211	0.0868%
6	3C	Robert Elmer / 229 Horton Court Drive #15 / Richlands, VA 24641	1/180	0.0423	50.0%	0.0211	0.0868%
7	3C	Joseph P. Horton / 492 Glen Branch Road / Cedar Bluff, VA 24609	1/10	0.7610	50.0%	0.3805	1.5633%
8	3C	Nancy Ann Stuchell / 140 Ragsdale Road / North Tazewell, VA 24630	1/10	0.7610	50.0%	0.3805	1.5633%
9	3C	Martha Smith / P.O. Box 395 / Mt. Meadows, VA 24360	1/10	0.7610	50.0%	0.3805	1.5633%
10	3C	Sarah Day / P.O. Box 208 / Petersboro, WV 24663	1/10	0.7610	50.0%	0.3805	1.5633%
11	3C	Hart McGee Land Trust - c/o Charlie Green, PO Box 1067, Bluefield VA 24605	combined	3.6401	50.0%	1.8201	7.4778%

6. Relief Granted:

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to; within 10 days of receipt of this executed order disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. Conclusion:

Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and IT IS SO ORDERED.


8. Appeals:

Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner,

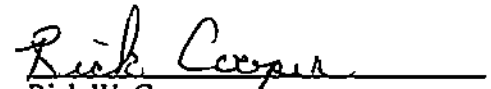
gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 29 day of Nov, 2011 by a majority of the Virginia Gas and Oil Board.



Bradley C. Lambert, Chairman
Virginia Gas and Oil Board

DONE AND PERFORMED this 29th day of November, 2011 by an Order of this Board.


Rick W. Cooper,
Interim Director and Principal
Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA)
COUNTY OF RUSSELL

Acknowledged on this 29th day of November, 2010, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and David E. Asbury Jr., being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Diane J. Davis
Notary Public #174394

My commission expires: 09 / 30 / 2013



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 98-0324-0626-08

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING a portion of TRACT(S) 3 & 3C
(Royalties currently being paid under
Buchanan No.1 SGU2, VGOB 08-1118-2367)

HEARING DATE: April 19, 2011

April 26, 2011

DRILLING UNIT: S-36

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. Petitioner and its counsel: Petitioner is CNX Gas Company LLC, 2481 John Nash Boulevard, Bluefield, WV 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, SWARTZ LAW OFFICES, PLLC., 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.

2. Relief sought: (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to a portion of Tract(s) 3 & 3C as depicted upon the annexed Exhibit A-1; (Royalties currently being paid under Buchanan No.1 SGU2, VGOB 08-1118-2367)

3. Legal Authority: Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. Type of well(s): Coalbed methane.

5. Factual basis for relief requested: Hurt McGuire Land Trust and Margaret Dye, Nellie Maynard, Tammy Boyd Street, Patricia Horton, Danny Elder, Robert Elder, Joseph P. Horne, Nancy Ann Stilwell, ~~Tania Hess~~, Martha Smith, and Sarah Day have entered into royalty split agreement(s). The annexed Exhibit A-1, further, specifies how said royalties are to be divided and paid.

6. Attestation: The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC
BY ITS PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

By: 

Anita D. Duty
Pooling Supervisor
CNX Land Resources, Inc.
2481 John Nash Blvd.
Bluefield, West Virginia 24701

① VGOB- 4/26/11 - Testimony indicates Tania Hess was not included in family "Will",

B

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS RECORDED BY CNX LAND RESOURCES, INC. AND WERE NOT SURVEYED.

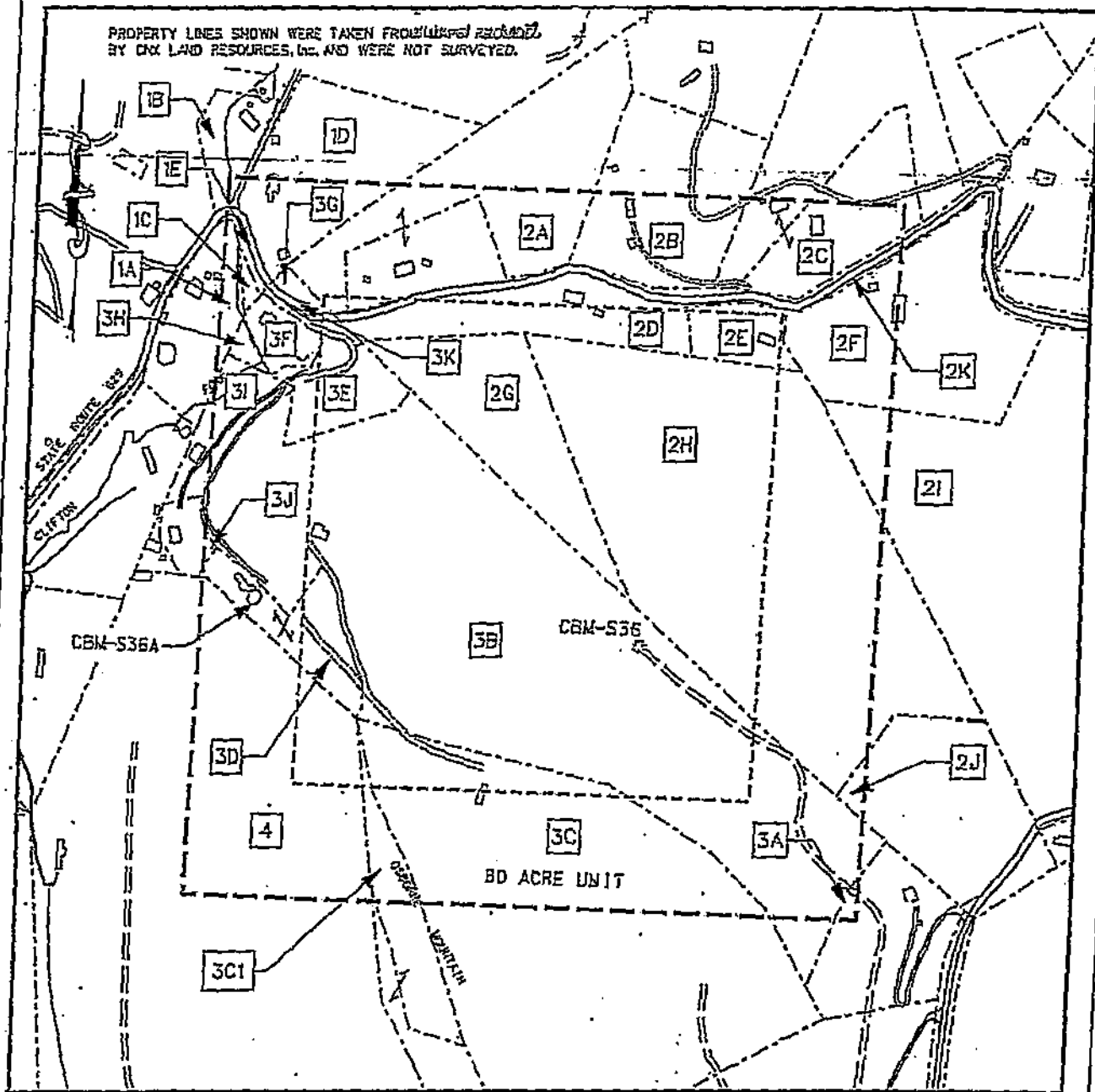


EXHIBIT A
DAKWOOD FIELD UNIT S-36
FORCE POOLING
VGOB-98-0324-0626-03

Company CNX Gas Company, LLC. Well Name and Number UNIT S-36
Tract No. _____ Elevation _____ Quadrangle 10958
County Buchanan District Garden Scale: 1" = 400' Date 11/11/85
This plot is a new plot X ; an updated plot _____ ; or a final plot _____

Form DGD-60-7
Date: 9/91

Charles D. May
Licensed Professional Engineer or Licensed Land Surveyor

10958
(Affix Seal)

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CNX Gas Company LLC

UNIT S-36

Tract Identification

1. H. S. T. Group L.C. (1168.71 Acre Tract) - All Minerals
Island Creek Coal Company/Consolidation Coal Company - Below Drainage Coal Leased
Jawell Smokeless Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
2.25 acres 2.8125%
- 1A. Betty Ferrell - Surface
- 1B. Kenneth Byrd - Surface
- 1C. Crobbie Smith - Surface
- 1D. John Osborne - Surface
2. G.W. Gillespie Estate, Inc., et al - All Minerals
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Jawell Smokeless Coal Corporation - Coal In Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
34.57 acres 43.2125%
- 2A. John Horn Jr. - Surface
- 2B. Jessie Matney - Surface
- 2C. Bobby J. Matney, et ux - Surface
- 2D. Goldie Horn - Surface
- 2E. Helen Compton - Surface
- 2F. Melissa Vandyke - Surface
- 2G. Dexter Mounts - Surface
- 2H. Jimmy Lee Horn - Surface
- 2I. Ethel Burke - Surface
- 2J. Roby Horn - Surface
- 2K. Commonwealth of Virginia - Surface
3. Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal
Consolidation Coal Company - Below Drainage Coal Leased
A. T. Massey - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Linkous Horn Heirs - All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased (10%)
27.44 acres 34.3000%
- 3A. Willard Osborne - Surface
- 3B. Arlen Osborne - Surface
- 3C. Danny McClanahan - Surface
- 3D. Robert Trent - Surface
- 3E. Clifford Osborne - Surface
- 3F. Robbie Smith - Surface
- 3G. John Osborne - Surface
- 3H. Betty Ferrell - Surface
- 3I. Noah Keen, et al - Surface
- 3J. Noah Kaen - Surface
- 3K. Commonwealth of Virginia - Surface

CNX Gas Company LLC






UNIT S-36

Tract Identification

- 3C. Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal
Consolidation Coal Company - Below Drainage Coal Leased
A. T. Massey - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Linkous Horn Heirs - All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased (10%) *Tract ID incorrectly indicated that the oil and gas was
Danny McClanahan - Surface (Oil and Gas Claimant) * being claimed by Danny McClanahan.
7.51 acres 9.51250% The claim only applies to Tract 3C1 only
- 3C1. Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal
Consolidation Coal Company - Below Drainage Coal Leased
A. T. Massey - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Linkous Horn Heirs/Thomas Stilwell Heirs - All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased (10%) if owned by Linkous Horn Heirs
CNX Gas Company LLC - Oil, Gas and CBM Leased (71/72) if owned by Thomas Stilwell Heirs
Danny McClanahan - Surface (Oil and Gas Claimant)
0.56 acres 0.7000%
4. Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal
Consolidation Coal Company - Below Drainage Coal Leased
A. T. Massey - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Thomas Stilwell Heirs - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased (71/72)
7.57 acres 9.4625%

REVISION

Exhibit E
Unit S-36
Docket # VGOB 98-0324-0626-08
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in 5-Right 15.69343%	6-Right 10.34483%
<u>Tract #3, 27.44 acres</u>				
<u>COAL OWNERSHIP</u>				
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	27.44 acres	34.3000%	5.38285%	3.54828%
<u>OIL & GAS OWNERSHIP</u>				
	27.44 acres	34.3000%	5.38285%	3.54828%
(1) Arizona Osborne Heirs, Devisees, Successors or Assigns				
(a) Sidney Smith 1911 McVitty Road Salem, VA 24153	0.9147 acres 1/30 of 27.44 acres	1.1433%	0.17943%	0.11828%
(b) Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019	0.9147 acres 1/30 of 27.44 acres	1.1433%	0.17943%	0.11828%
(c) Martha Williams 1911 McVitty Road Salem, VA 24153	0.9147 acres 1/30 of 27.44 acres	1.1433%	0.17943%	0.11828%
(2) Lydia Blankenship Heirs, Devisees, Successors or Assigns				
(a) Mary Jane Keen 1077 Longwall LN Raven, VA 24639	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
(b) Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
(c)  6985 Horn Mountain Road Raven, VA 24639	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(d)  PO Box 522 Keen Mountain, VA 24624	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(e)  P. O. Box 484 Keen Mountain, VA 24624	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(f) Clifford Osborne Heirs, Devisees, Successors or Assigns				
(f.1)  1109 Moore Rd. Raven, VA 24639	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%


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REVISION

Exhibit E
Unit S-36
Docket # VGOB 98-0324-0626-08
List of Conflicting Owners/Claimants that require escrow

		Acres in Unit	Percent of Unit	Division of Interest in	
				5-Right 15.69343%	6-Right 10.34483%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(g)	Ronnie Osborne Box 12 Oakwood, VA 24631	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(h)	Charles M. Osborne 216 Plantation Drive Richlands, VA 24641	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(i)	Richard Osborne P. O. Box 585 Keen Mountain, VA 24624	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(j)	William Osborne Heirs, Devisees, Successors or Assigns				
(j.1)	Ruth Keen				
	(Deed of Gift to Joyce Lineberry Mae 3/16/03)				
(j.1.1)	Joyce Lineberry Mae c/o Rose Mae P.O. Box 172 Cooleemee, NC 27014	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(k)	John David Osborne Heirs, Devisees, Successors or Assigns				
(k.1)	Darlene B. Osborne 1055 Mapleleaf Hollow Raven, VA 24639	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(3)	Henry Horn Heirs, Devisees, Successors or Assigns				
(a)	Perry W. Horn P.O. Box 33 Raven, VA 24639	0.5945 acres 13/600 of 27.44 acres	0.7432%	0.11663%	0.07688%
(4)	Thelma H. Osborne P. O. Box 33 Raven, VA 24639	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.53828%	0.35483%
(7)	Earnest Horn Heirs, Devisees, Successors or Assigns				
(a)	Dorothy Horn Heirs, Devisees, Successors or Assigns				
(a.1)	Wesley D. Perkins 305 Bane Bottom Avenue Cedar Bluff, VA 24609	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.53828%	0.35483%
(10)	Carl Horn Heirs, Devisees, Successors or Assigns				

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REVISION

Exhibit E
Unit S-36
Docket # VGOB 98-0324-0626-08
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in 5-Right 15.69343%	6-Right 10.34483%
(a) Marilyn Taylor PO Box 285 Pounding Mill, VA 24637	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.53828%	0.35483%

Tract #3C, 7.61 acres

Incorrectly identified as a Title Conflict / Surface Claimant Issue. Escrow can be released to owners with a Royalty Agreement

COAL OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	7.61 acres	9.5125%	1.49284%	0.98405%
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OIL & GAS OWNERSHIP

Arizona Osborne Heirs, Devises, Successors or Assigns	7.61 acres	9.5125%	1.49284%	0.98405%
(1) Arizona Osborne Heirs, Devises, Successors or Assigns				
(a) Sidney Smith 1911 McVilly Road Salem, VA 24153	0.2537 acres 1/30 of 7.61 acres	0.3171%	0.04976%	0.03280%
(b) Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019	0.2537 acres 1/30 of 7.61 acres	0.3171%	0.04976%	0.03280%
(c) Martha Guilliams 1911 McVilly Road Salem, VA 24153	0.2537 acres 1/30 of 7.61 acres	0.3171%	0.04976%	0.03280%
(2) Lydia Blankenship Heirs, Devises, Successors or Assigns				
(a) Mary Jane Keen 1077 Longwall LN Raven, VA 24639	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
(b) Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
(c) Patsy Moore 6985 Horn Mountain Road Raven, VA 24639	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%

Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed

(d) Brenda Sue Justice PO Box 522 Keen Mountain, VA 24624	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
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Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed

(e) James R. Osborne P. O. Box 484 Keen Mountain, VA 24624	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
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Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed

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REVISION

Exhibit E
Unit S-36
Docket # VGOB 98-0324-0626-08
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right 15.69343%	6-Right 10.34483%
(f) Clifford Osborne Heirs, Devisees, Successors or Assigns				
(f.1) Rhylis W. Osborne 1109 Moore Rd. Raven, VA 24639	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed				
(g) Ronnie Osborne Box 12 Oakwood, VA 24631	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed				
(h) Charles M. Osborne 216 Plantation Drive Richlands, VA 24641	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed				
(i) Richard Osborne P. O. Box 585 Keen Mountain, VA 24624	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed				
(j) William Osborne Heirs, Devisees, Successors or Assigns				
(j.1) Ruth Keen	(Deed of Gift to Joyce Lineberry Mae 3/16/03)			
(j.1.1) Joyce Lineberry Mae c/o Rose Mae P.O. Box 172 Cooleemee, NC 27014	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed				
(k) John David Osborne Heirs, Devisees, Successors or Assigns				
(k.1) Darlene B. Osborne 1055 Mapleleaf Hollow Raven, VA 24639	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed				
(3) Henry Horn Heirs, Devisees, Successors or Assigns				
(a) Perry W. Horn P.O. Box 33 Raven, VA 24639	0.1649 acres 13/600 of 7.61 acres	0.2061%	0.03234%	0.02132%
(4) Thelma H. Osborne P. O. Box 33 Raven, VA 24639	0.7610 acres 1/10 of 7.61 acres	0.9513%	0.14928%	0.09841%
(7) Earnest Horn Heirs, Devisees, Successors or Assigns				
(a) Dorothy Horn Heirs, Devisees, Successors or Assigns				

REVISION

Exhibit E
Unit S-36
Docket # VGOB 98-0324-0626-08
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right 15.69343%	6-Right 10.34483%
(a.1) Wesley D. Perkins 305 Bane Bottom Avenue Cedar Bluff, VA 24609	0.7610 acres 1/10 of 7.61 acres	0.9513%	0.14928%	0.09841%
(10) Carl Horn Heirs, Devisees, Successors or Assigns				
(a) Marilyn Taylor PO Box 285 Pounding Mill, VA 24637	0.7610 acres 1/10 of 7.61 acres	0.9513%	0.14928%	0.09841%

Tract #3C1, 0.56 acres

Escrow due to Title Conflict

COAL OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	0.56 acres	0.7000%	0.10985%	0.07241%
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OIL & GAS OWNERSHIP

Arizona Osborne Heirs, Devisees, Successors or Assigns	0.56 acres	0.7000%	0.10985%	0.07241%
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(1) Arizona Osborne Heirs, Devisees, Successors or Assigns				
(a) Sidney Smith 1911 McVilly Road Salem, VA 24153	0.0187 acres 1/30 of 0.56 acres	0.0233%	0.00366%	0.00241%
(b) Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019	0.0187 acres 1/30 of 0.56 acres	0.0233%	0.00366%	0.00241%
(c) Martha Williams 1911 McVilly Road Salem, VA 24153	0.0187 acres 1/30 of 0.56 acres	0.0233%	0.00366%	0.00241%
(2) Lydia Blankenship Heirs, Devisees, Successors or Assigns				
(a) Mary Jane Keen 1077 Longwall LN Raven, VA 24639	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
(b) Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
(c) Patsy Moore 6985 Horn Mountain Road Raven, VA 24639	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%

Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed

(d) Brenda Sue Justice PO Box 522 Keen Mountain, VA 24624	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
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Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed

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Exhibit E
Unit S-36
Docket # VGOB 98-0324-0626-08
List of Conflicting Owners/Claimants that require escrow

	Acres In Unit	Percent of Unit	Division of Interest In	
			5-Right 15.69343%	6-Right 10.34483%
(e) <u>James R. Osborne</u> P. O. Box 484 Keen Mountain, VA 24624	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(f) Clifford Osborne Heirs, Devisees, Successors or Assigns				
(f.1) <u>Phyllis W. Osborne</u> 1109 Moore Rd. Raven, VA 24639	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(g) <u>Ronnie Osborne</u> Box 12 Oakwood, VA 24631	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(h) <u>Charles M. Osborne</u> 216 Plantation Drive Richlands, VA 24641	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(i) <u>Richard Osborne</u> P. O. Box 585 Keen Mountain, VA 24624	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(j) William Osborne Heirs, Devisees, Successors or Assigns				
(j.1) Ruth Keen	<i>(Deed of Gift to Joyce Lineberry Mae 3/16/03)</i>			
(j.1.1) <u>Joyce Lineberry Mae</u> c/o Rose Mae P.O. Box 172 Cooleemee, NC 27014	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(k) John David Osborne Heirs, Devisees, Successors or Assigns				
(k.1) <u>Darlene B. Osborne</u> 1055 Mapleleaf Hollow Raven, VA 24639	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(3) Henry Horn Heirs, Devisees, Successors or Assigns				
(a) Perry W. Horn P.O. Box 33 Raven, VA 24639	0.0121 acres 13/600 of 0.56 acres	0.0152%	0.00238%	0.00157%
(b) Larry M. Horn & Ivory Horn Heirs, Devisees, Successors or Assigns				
(b.1) Margaret E. Dye	0.0115	0.0144%	0.00226%	0.00149%

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REVISION

Exhibit E
Unit S-36
Docket # VGOB 98-0324-0626-08
List of Conflicting Owners/Claimants that require escrow


	Acres in Unit	Percent of Unit	Division of Interest In 5-Right 15.69343%	6-Right 10.34483%
784 Big Creek Road Richlands, VA 24641	37/1800 of 0.56 acres			
(b.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.0115 acres 37/1800 of 0.56 acres	0.0144%	0.00226%	0.00149%
(b.3) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.0115 acres 37/1800 of 0.56 acres	0.0144%	0.00226%	0.00149%
(b.4) Patricia D. Horton 200 Birch Street Raven, VA 24639	0.0031 acres 1/180 of 0.56 acres	0.0039%	0.00061%	0.00040%
(b.5) Danny W. Elder P.O. Box 748 Raven, VA 24639	0.0031 acres 1/180 of 0.56 acres	0.0039%	0.00061%	0.00040%
(b.6) Robert G. Elder 229 Horton Crest Drive #15 Richlands, VA 24641	0.0031 acres 1/180 of 0.56 acres	0.0039%	0.00061%	0.00040%
(4) Thelma H. Osborne P. O. Box 33 Raven, VA 24639	0.0560 acres 1/10 of 0.56 acres	0.0700%	0.01099%	0.00724%
(5) Joseph P. Horne 492 Gray Branch Road Cedar Bluff, VA 24609	0.0560 acres 1/10 of 0.56 acres	0.0700%	0.01099%	0.00724%
(6) Nancy H. Stilwell 140 Rasnake Road North Tazewell, VA 24630	0.0560 acres 1/10 of 0.56 acres	0.0700%	0.01099%	0.00724%
(7) Earnest Horn Heirs, Devisees, Successors or Assigns				
(a) Dorothy Horn Heirs, Devisees, Successors or Assigns				
(a.1) Wesley D. Perkins 305 Bane Bottom Avenue Cedar Bluff, VA 24609	0.0560 acres 1/10 of 0.56 acres	0.0700%	0.01099%	0.00724%
(8) Martha Smith P. O. Box 395 Max Meadows, VA 24360	0.0560 acres 1/10 of 0.56 acres	0.0700%	0.01099%	0.00724%
(9) Sarah K. Day P. O. Box 208 Peterstown, WV 24963	0.0560 acres 1/10 of 0.56 acres	0.0700%	0.01099%	0.00724%
(10) Carl Horn Heirs, Devisees, Successors or Assigns				
(a) Marilyn Taylor PO Box 285 Pounding Mill, VA 24637	0.0560 acres 1/10 of 0.56 acres	0.0700%	0.01099%	0.00724%
- OR -				
	0.56 acres	0.7000%	0.10985%	0.07241%

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REVISION

Exhibit E
Unit S-36
Docket # VGOB 98-0324-0626-08
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right 15.69343%	6-Right 10.34483%
(1) Beulah V. Osborne Heirs, Devisees, Successors or Assigns				
(a) Sterling Osborne 3639 Clifton Fork Road Raven, VA 24639	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(b) Mae Miller 8010 Brown Mountain Road Raven, VA 24639	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(c) Sylvia A. Miller 3999 Osborne Road Raven, VA 24639	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(d) Doris Mitchell 1045 Jewell Ridge Road Richlands, VA 24341	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(e) Brenda Shortt P.O. Box 652 Keen Mountain, VA 24624	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(f) Bobby Osborne Brown Mountain Road Whitlewood, VA 24657	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(g) Danny Osborne PO Box 464 Keen Mountain, VA 24624	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(h) Eugene Osborne 214 Carson Avenue, Apt. 46 Richlands, VA 24341	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(i) Jerry Osborne Address Unknown	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(j) Melvin Osborne PO Box 1239 Raven, VA 24639	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(2) Raleigh Stilwell Heirs, Devisees, Successors or Assigns				
(a) Martha J. aka Juanita Stilwell P.O. Box 54 Raven, VA 24639	0.0700 acres 1/8 of 0.56 acres	0.0875%	0.01373%	0.00905%
(3) Paul Elmer Stilwell Heirs, Devisees, Successors or Assigns				
(a) Virginia N. Stilwell, widow 1106 Dial Road Raven, VA 24639	0.0700 acres 1/8 of 0.56 acres	0.0875%	0.01373%	0.00905%
(4) Arthur M. Stilwell P.O. Box 314 Raven, VA 24639	0.0700 acres 1/8 of 0.56 acres	0.0875%	0.01373%	0.00905%
(5) Exie Osborne Heirs, Devisees, Successors or Assigns				
(a.1) Myrtle Smith Heirs, Devisees, Successors or Assigns				

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REVISION

Exhibit E
Unit S-36
Docket # VGOB 98-0324-0626-08
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in 5-Right 15.69343%	6-Right 10.34483%
(a.1.1) Nancy Jackson P.O. Box 448 Doran, VA 24612	0.0058 acres 1/96 of 0.56 acres	0.0073%	0.00114%	0.00075%
(a.1.2) Darlene Ward 117 Franklin Avenue Richlands, VA 24641	0.0058 acres 1/96 of 0.56 acres	0.0073%	0.00114%	0.00075%
(a.2) Maxie Boyd Box 972 Raven, VA 24639	0.0117 acres 1/48 of 0.56 acres	0.0146%	0.00229%	0.00151%
(a.3) Ruth Osborne Smith Box 872 Doran, VA 24612	0.0117 acres 1/48 of 0.56 acres	0.0146%	0.00229%	0.00151%
(a.4) Judy Blankenship Box 221 Doran, VA 24612	0.0117 acres 1/48 of 0.56 acres	0.0146%	0.00229%	0.00151%
(a.5) John Osborne Box 6 Shortt Gap, VA 24647	0.0117 acres 1/48 of 0.56 acres	0.0146%	0.00229%	0.00151%
(a.6) Ida Proffitt Box 6 Shortt Gap, VA 24647	0.0117 acres 1/48 of 0.56 acres	0.0146%	0.00229%	0.00151%
(6) Flossie Siliwell Osborne Helrs, Devisees, Successors or Assigns				
(a) Hubbard Osborne 3195 Osborne Mountain Rd. Raven, VA 24639	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(b) Linda S. Shelton P. O. Box 521 Pounding Mill, VA 24637	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(c) Jerline Davis 118 Coronado Road North Tazewell, VA 24630	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(d) Arlin W. Osborne	<i>Transferred interest to d. 1 per deed dated June 18, 2009</i>			
(d.1) Waldon Darrell Clifton PO Box 169 Richlands, VA 24641	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(e) Jackie D. Osborne 1995 Altizer Road Raven, VA 24639-1995	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(f) Daniel J. Osborne 1068 Harvest Moon Rd. Raven, VA 24639	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(g) Sylvia A. Shelton Byrd 549 Jacks Creek Road Raven, VA 24639	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(h) Marvin J. Osborne P. O. Box 1607 Cedar Bluff, VA 24609	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%

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REVISION

Exhibit E
Unit S-36
Docket # VGOB 98-0324-0626-08
List of Conflicting Owners/Claimants that require escrow

	Acres In Unit	Percent of Unit	Division of Interest in 5-Right 15.69343%	6-Right 10.34483%
(i) Lois Casey 134 Robert St., Lot 8 Richlands, VA 24641	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(7) Sylvester Stilwell Osborne Heirs, Devisees, Successors or Assigns				
(a) Cora Arnold Heirs, Devisees, Successors or Assigns				
(a.1) James H. Arnold, widower PO Box 1035 Raven, VA 24639	0.0233 acres 1/24 of 0.56 acres	0.0292%	0.00456%	0.00302%
(b) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(c) Jay C. Stilwell Heirs, Devisees, Successors or Assigns				
(c.1) Connie Stilwell, widow P. O. Box 723 Raven, VA 24639	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(d) Wanda Hagy Box 1738 Richlands, VA 24641	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(e) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(f) Theodore Stilwell HC68 Box 112A Whitewood, VA 24657	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(g) Curtis Stilwell P.O. Box 2216 Cedar Bluff, VA 24609-2216	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(8) Charlie Stilwell Osborne Heirs, Devisees, Successors or Assigns				
(a) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103	0.0233 acres 1/24 of 0.56 acres	0.0292%	0.00458%	0.00302%
(b) Gladys E. Pollert 1121 29 Street NW Fargo, ND 58102	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(c) David W. Stilwell 507 E. Minnesota #107 Rapid City, SD 57701	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(d) Thomas H. Stilwell 27 Horseshoe Trailer Ct. Horace, ND 58047-5718	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(e) Quentin A. Stilwell P. O. Box 154 Rhome, ND 58651	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%

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REVISION

Exhibit E
Unit S-38
Docket # VGOB 98-0324-0626-08
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in 5-Right 15.69343%	6-Right 10.34483%
(f) Daniel J. Stilwell 100 3rd St. SW #77 Mandan, ND 58554	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(g) Bernice R. Lamb 2124 County Road 116 International Falls, MN 56649	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
<u>OIL & GAS CLAIMANT, (Surface Owner)</u>				
(3) Danny McClanahan P. O. Box 547 Oakwood, VA 24631	0.56 acres	0.7000%	0.10985%	0.07241%

Tract #4, 7.57 acres

COAL OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	7.57 acres	9.4625%	1.48499%	0.97888%
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OIL & GAS OWNERSHIP

(1) Thomas Stilwell Heirs, Devisees, Successors or Assigns	7.57 acres	9.4625%	1.48499%	0.97888%
(7) Sylvester Stilwell Osborne Heirs, Devisees, Successors or Assigns				
(a) Cora Arnold Heirs, Devisees, Successors or Assigns				
(a.1) James H. Arnold, widower PO Box 1035 Raven, VA 24639	0.31542 acres 1/24 of 7.57 acres	0.3943%	0.06187%	0.04079%

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Exhibit EE
Unit S-36
Docket #VGOB 98-0324-0626-08
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres In Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
<u>Tract #3, 27.44 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	27.44 acres	34.3000%	1.97127%	5.60798%	3.1629%
<u>OIL & GAS OWNERSHIP</u>					
Linkous Horn Heirs, Devisees, Successors or Assigns	27.44 acres	34.3000%	1.97127%	5.60798%	
(3) Henry Horn Heirs, Devisees, Successors or Assigns					
(b) Larry M. Horn Heirs, Devisees, Successors or Assigns	Interest goes to siblings				
(b.1) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.0457 acres 1/600 of 27.44 acres	0.0572%	0.00329%	0.00935%	0.0939%
(b.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.0457 acres 1/600 of 27.44 acres	0.0572%	0.00329%	0.00935%	0.0939%
(b.3) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.0457 acres 1/600 of 27.44 acres	0.0572%	0.00329%	0.00935%	0.0939%
(c) Ivory Horn Heirs, Devisees, Successors or Assigns					
(c.1) Patricia D. Horton 200 Birch Street Raven, VA 24639	0.1524 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	n/a
(c.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.1524 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	n/a
Pay to Nellie A. Maynard *	0.3659 acres 1/75 of 27.44 acres	0.4573%	0.02628%	0.07477%	0.7516%
* Although Nellie A. Maynard owns a total of 17/900 interest, she was only paid out her share of a 1/180 interest. She is to be paid for the 1/75 interest inherited from Henry Horn.					
(c.3) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.5183 acres 17/900 of 27.44 acres	0.6479%	0.03724%	0.10593%	1.0647%
(c.4) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.5183 acres 17/900 of 27.44 acres	0.6479%	0.03724%	0.10593%	1.0647%
(c.5) Danny W. Elder P.O. Box 748 Raven, VA 24639	0.1524 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	n/a
(c.6) Robert G. Elder 229 Horton Crest Drive #15 Richlands, VA 24641	0.1524 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	n/a

REVISION

Exhibit EE
Unit S-36
Docket #VGOB 98-0324-0626-08
List of Conflicting Owners/Claimants with Royalty Split Agreements

		Acres In Unit	Percent of Unit	Division of Interest in		Percent of Escrow
				6-Right 5.74713%	7-Right 16.34981%	
(4)	Thelma H. Osborne P. O. Box 33 Raven, VA 24639	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.19713%	0.56080%	n/a
(5)	Joseph P. Horne 492 Gray Branch Road Cedar Bluff, VA 24609	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.19713%	0.56080%	n/a
(6)	Nancy H. Stilwell 140 Rasnake Road North Tazewell, VA 24630	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.19713%	0.56080%	n/a
(8)	Martha Smith P. O. Box 395 Max Meadows, VA 24360	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.19713%	0.56080%	n/a
(9)	Sarah K. Day P. O. Box 208 Peterstown, WV 24963	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.19713%	0.56080%	n/a


Tract #3C, 7.61 acres


Incorrectly identified as a Title Conflict / Surface Claimant Issue. Escrow can be released to owners with a Royalty Agreement

COAL OWNERSHIP

(1)	Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	7.61 acres	9.5125%	0.54670%	1.55528%	7.4778%
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OIL & GAS OWNERSHIP

		7.61 acres	9.5125%	0.54670%	1.55528%	
(3)	Henry Horn Heirs, Devisees, Successors or Assigns					
(b)	Larry M. Horn & Ivory Horn Heirs, Devisees, Successors or Assigns					
(b.1)	Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.1564 acres 37/1800 of 7.61 acres	0.1955%	0.01124%	0.03197%	0.3213%
(b.2)	Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.1564 acres 37/1800 of 7.61 acres	0.1955%	0.01124%	0.03197%	0.3213%
(b.3)	Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.1564 acres 37/1800 of 7.61 acres	0.1955%	0.01124%	0.03197%	0.3213%
(b.4)	Patricia D. Horton 200 Birch Street Raven, VA 24639	0.0423 acres 1/180 of 7.61 acres	0.0528%	0.00304%	0.00864%	0.0868%
(b.5)	Danny W. Elder P.O. Box 748 Raven, VA 24639	0.0423 acres 1/180 of 7.61 acres	0.0528%	0.00304%	0.00864%	0.0868%

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REVISION

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	Acres in Unit	Percent of Unit	Division of Interest In		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(b.6) Robert G. Elder 229 Horton Crest Drive #15 Richlands, VA 24841	0.0423 acres 1/180 of 7.61 acres	0.0528%	0.00304%	0.00864%	0.0868%
(5) Joseph P. Horne 492 Gray Branch Road Cedar Bluff, VA 24609	0.7610 acres 1/10 of 7.61 acres	0.9513%	0.05467%	0.15553%	1.5633%
(6) Nancy H. Stilwell 140 Rasnake Road North Tazewell, VA 24630	0.7610 acres 1/10 of 7.61 acres	0.9513%	0.05467%	0.15553%	1.5633%
(8) Martha Smilh P. O. Box 395 Max Meadows, VA 24360	0.7610 acres 1/10 of 7.61 acres	0.9513%	0.05467%	0.15553%	1.5633%
(9) Sarah K. Day P. O. Box 208 Petersburg, WV 24963	0.7610 acres 1/10 of 7.61 acres	0.9513%	0.05467%	0.15553%	1.5633%


Tract #4, 7.57 acres

COAL OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	7.57 acres	9.4625%	0.54382%	1.54710%	
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OIL & GAS OWNERSHIP


	7.57 acres	9.4625%	0.54382%	1.54710%	
(1) Beulah V. Osborne Heirs, Devisees, Successors or Assigns					
(a) Sterling Osborne 3639 Clifton Fork Road Raven, VA 24639	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(b) Mae Miller 8010 Brown Mountain Road Raven, VA 24639	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(c) Sylvia A. Miller 3999 Osborne Road Raven, VA 24639	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(d) Doris Mitchell 1045 Jewell Ridge Road Richlands, VA 24341	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(e) Brenda Shortt P.O. Box 652 Keen Mountain, VA 24624	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(f) Bobby Osborne Brown Mountain Road Whitewood, VA 24657	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(g) Danny Osborne PO Box 484 Keen Mountain, VA 24624	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a

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REVISION

Exhibit EE
Unit S-36
Docket #VGOB 98-0324-0626-08
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	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(h) Eugene Osborne 214 Carson Avenue, Apt. 46 Richlands, VA 24341	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(i) Jerry Osborne Address Unknown	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(j) Melvin Osborne PO Box 1239 Raven, VA 24639	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(2) Raleigh Stilwell Heirs, Devisees, Successors or Assigns					
(a) Martha J. aka Juanita Stilwell P.O. Box 54 Raven, VA 24639	0.9463 acres 1/8 of 7.57 acres	1.1828%	0.06798%	0.19339%	n/a
(3) Paul Elmer Stilwell Heirs, Devisees, Successors or Assigns					
(a) Virginia N. Stilwell, widow 1106 Dial Road Raven, VA 24639	0.9463 acres 1/8 of 7.57 acres	1.1828%	0.06798%	0.19339%	n/a
(4) Arthur M. Stilwell P.O. Box 314 Raven, VA 24639	0.9463 acres 1/8 of 7.57 acres	1.1828%	0.06798%	0.19339%	n/a
(5) Exie Osborne Heirs, Devisees, Successors or Assigns					
(a.1) Myrtle Smith Heirs, Devisees, Successors or Assigns					
(a.1.1) Nancy Jackson P.O. Box 448 Doran, VA 24612	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	n/a
(a.1.2) Darlene Ward 117 Franklin Avenue Richlands, VA 24641	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	n/a
(a.2) Maxie Boyd Box 972 Raven, VA 24639	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(a.3) Ruth Osborne Smith Box 672 Doran, VA 24612	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(a.4) Judy Blankenship Box 221 Doran, VA 24612	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(a.5) John Osborne Box 6 Shortt Gap, VA 24647	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(a.6) Ida Proffitt Box 6 Shortt Gap, VA 24647	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a

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Exhibit EE
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			6-Right 5.74713%	7-Right 16.34981%	
(6) Flossie Stilwell Osborne Heirs, Devisees, Successors or Assigns					
(a) Hubbard Osborne 3195 Osborne Mountain Rd. Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(b) Linda S. Shelton P. O. Box 521 Pounding Mill, VA 24637	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(c) Jerline Davis 118 Coronado Road North Tazewell, VA 24630	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(d) Arlin W. Osborne	<i>Transferred interest to d.1 per deed dated June 18, 2009</i>				
(d.1) Waldon Darrell Clifton PO Box 169 Richlands, VA 24641	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(e) Jackie D. Osborne 1995 Altizer Road Raven, VA 24639-1995	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(f) Daniel J. Osborne 1068 Harvest Moon Rd. Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(g) Sylvia A. Shelton Byrd 549 Jacks Creek Road Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(h) Marvin J. Osborne P. O. Box 1607 Cedar Bluff, VA 24609	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(i) Lois Casey 134 Robert St., Lot 8 Richlands, VA 24641	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(7) Sylvester Stilwell Osborne Heirs, Devisees, Successors or Assigns					
(b) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(c) Jay C. Stilwell Heirs, Devisees, Successors or Assigns					
(c.1) Connie Stilwell, widow P. O. Box 723 Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(d) Wanda Hagy Box 1738 Richlands, VA 24641	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(e) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a

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	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(f) Theodore Stilwell HC66 Box 112A Whitewood, VA 24657	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(g) Curtis Stilwell P.O. Box 2216 Cedar Bluff, VA 24609-2216	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(8) Charlie Stilwell Osborne Heirs, Devisees, Successors or Assigns					
(a) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103	0.3154 acres 1/24 of 7.57 acres	0.3943%	0.02266%	0.06446%	n/a
(b) Gladys E. Pollert 1121 29 Street NW Fargo, ND 58102	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(c) David W. Stilwell 507 E. Minnesota #107 Rapid City, SD 57701	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(d) Thomas H. Stilwell 27 Horseshoe Trailer Ct. Horace, ND 58047-5718	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(e) Quentin A. Stilwell P. O. Box 154 Rhame, ND 58651	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(f) Daniel J. Stilwell 100 3rd St SW #77 Mandan, ND 58554	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(g) Bernice R. Lamb 2124 County Road 116 International Falls, MN 56649	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a

REVISION

Exhibit A-1
Tract-by-Tract Escrow Calculation
Account Balances as of 2/28/11

Unit S36
VGOB 98-0324-0626-08
Acres Escrowed: 24.339620

Owners	Tract #	Acres	Owner Acres	Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$286,649.50
Hurt McGuire Land Trust - Coal	3	15.8542			3.1628%	\$8,433.93
Linkous Horn Heirs - O&G		27.44				
Margaret Dye (Larry Horn Heir)			0.0457	1/800	0.0939%	\$250.51
Nellie Maynard (Larry Horn Heir)			0.0457	1/800	0.0939%	\$250.51
Tammy Boyd Street (Larry Horn Heir)			0.0457	1/800	0.0939%	\$250.51
Nellie Maynard (interest inherited from Henry Horn not previously paid)			0.3659	1/75	0.7516%	\$2,004.10
Tammy Boyd Street			0.5183	17/900	1.0847%	\$2,839.14
Margaret Dye			0.5183	17/900	1.0847%	\$2,839.14
Hurt McGuire Land Trust - Coal	3C	7.61			7.4778%	\$19,939.41
Linkous Horn Heirs - O&G (Title Conflict Resolved)		7.61				
Margaret Dye (Larry Horn Heir)			0.1564	37/1800	0.3213%	\$856.86
Nellie Maynard (Larry Horn Heir)			0.1564	37/1800	0.3213%	\$856.86
Tammy Boyd Street (Larry Horn Heir)			0.1564	37/1800	0.3213%	\$856.86
Patricia Horton			0.0423	1/180	0.0868%	\$231.58
Danny Elder			0.0423	1/180	0.0868%	\$231.58
Robert Elder			0.0423	1/180	0.0868%	\$231.58
Joseph P. Home			0.7610	1/10	1.5633%	\$4,168.52
Nancy Ann Stilwell			0.7610	1/10	1.5633%	\$4,168.52
Martha Smith			0.7610	1/10	1.5633%	\$4,168.52
Sarah Day			0.7610	1/10	1.5633%	\$4,168.52

Wells contributing to the escrow account:

S36

INSTRUMENT #110003073
 RECORDED IN THE CLERK'S OFFICE OF
 BOEHMAN COUNTY ON
 DECEMBER 15, 2011 AT 03:17PM

BEVERLY S. TILLER, CLERK
 RECORDED BY: SLB

27268